

REMARKS/ARGUMENTS

1.) Withdrawal of Prior Claim Rejections

In the prior office action, the Examiner rejected claims 36-70 as being unpatentable over Steinberg, *et al.* (U.S. Patent Publication No. 2004/0136324) *in view of Rusch* (U.S. Patent Publication No. 2003/0100308). In the present office action, the Examiner states that "Applicant's arguments with respect to claims 36-70 have been considered but are moot in view of the new ground(s) of rejection." In the present office action, the Examiner has rejected claims 36-37, 39-49, 51-68, and 70 as being unpatentable over Steinberg *in view of Stolorz, et al.* (U.S. Patent Publication No. 2003/0065762); and claims 38, 50 and 69 as being unpatentable over Steinberg *in view of Stolorz and Rusch* (U.S. Patent Publication No. 2003/0100308). In other words, the Examiner has replaced Rusch with Stolorz as the secondary reference. For the reasons provided *infra*, Stolorz fails to cure the deficiencies in the teachings of Rusch.

2.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner has rejected claims 36-37, 39-49, 51-68, and 70 as being unpatentable over Steinberg (U.S. Patent Publication No. 2004/0136324) *in view of Stolorz, et al.* (U.S. Patent Publication No. 2003/0065762); and claims 38, 50 and 69 as being unpatentable over Steinberg *in view of Stolorz and Rusch* (U.S. Patent Publication No. 2003/0100308). The Applicants traverse the rejections.

As noted *supra*, the Examiner previously rejected claim 36 as obvious over Steinberg *in view of Rusch*. In response to Applicants' arguments traversing that basis of rejection, the Examiner has merely substituted Stolorz for Rusch. It appears that the Examiner is merely picking and choosing from the prior art the elements/functions of Applicants' claims, without consideration of the claim as a whole.

Claim 36 recites:

36. A method for traffic control in a communication system comprising a plurality of access networks and at least one mobile multi-access terminal, said method comprising the steps of:
receiving, at a network-based traffic control server of the communication system, access-related information from at least a subset of the access networks;

coordinating the access-related information at the traffic control server;
determining a traffic control signal through adaptive traffic control calculations based on the coordinated access-related information; and,
spreading, at a traffic control client of the multi-access terminal, traffic over the access networks in response to the traffic control signal.

The Applicants' invention is directed to improved methods, and devices/systems incorporating such methods, for traffic handling in multi-access networks. The invention improves the overall performance by adaptively spreading user traffic over several access networks, and is characterized, in part, by receiving, at a networks-based traffic control server of a communication system, access-related information from at least a subset of the access networks. The access-related information is then coordinated at the traffic control server and a traffic control signal is determined through adaptive traffic control calculations. The traffic is then spread, by a traffic control client of the multi-access terminal, over the access networks in response to the traffic control signal. Steinberg and Stolorz fail to teach that novel combination of functions, either individually or in combination.

As noted in Applicants' response to the prior office action, although Steinberg relates to networks that include a plurality of access networks, coupled to a plurality of core networks, its teachings appear limited to selecting an optimal path. The Examiner has not pointed to any teaching therein of spreading traffic over the available access networks. Furthermore, the Examiner acknowledges that Steinberg "fails to specifically disclose at a traffic control client of the multi-access terminal." The "traffic control client of the multi-access terminal" is but a portion of the element of claim 35 in which the spreading function of Applicants' invention is performed. In other words, the Examiner is not only picking and choosing from the prior art the various technical terms recited in the claims, but he is separating the functions from the physical elements that perform such functions. Such hindsight, and dissection of the claim elements, is impermissible to establish obviousness of the invention as a whole.

To overcome the acknowledged deficiencies in the teachings of Steinberg, the Examiner looks to the teachings of Stolorz. The teachings of Stolorz, however, are not

directed to the same problem solved by Applicants' invention, which is to spread traffic over a plurality of access networks. Stolorz teaches:

A framework for delivery of Internet content includes a subscriber server network; and at least one domain name server constructed and adapted to provide policy-based domain name service, wherein, in response to a request to resolve a hostname, the domain name server resolves the hostname to at least one address corresponding [to] a server in the subscriber server network based on at least one policy consideration. The framework may include a content delivery network, distinct from the subscriber server network, wherein, in response to a request to resolve a hostname, the domain name server provides at least one addresses of a server in the content delivery network based at least on the location of the requestor and other policy considerations. (Abstract; emphasis added)

Stolorz relates to selection of a server for content delivery. Although an electronic search of Stolorz reveals the term "access," and variations thereof, none of the uses of that term relates to access networks, much less the spreading of traffic over a plurality of such access networks. Thus, Stolorz fails to overcome the deficiencies of Steinberg acknowledged by the Examiner and, therefore, the Examiner has not established a *prima facie* case of obviousness of claim 36.

Whereas independent claims 53, 59 and 68 recite limitations analogous to those of claim 36, they are also not obvious over Steinberg in view of Stolorz. Furthermore, whereas claims 37-52, 54-58, 60-67 and 69-70 are dependent from claims 36, 53, 59 and 68, respectively, and include the limitations thereof, they are also not obvious in view of those references, or further in view of Rusch.

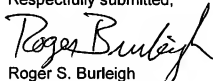
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CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 36-70.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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